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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,893	10/19/2001	Vernon E. McGeorge JR.	10016751	7315

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/981,893	MCGEORGE, VERNON E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 July 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-16 and 18-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is response to the amendment filed on 7/14/2005.
2. Applicant's amendments to claims 1 – 20 are acknowledged. Consequently, claims 3 and 17 are cancelled, and claim 1, 5, 9, 15, 19 are amended. Claims 1 – 2, 4 – 16, 18 – 20 are currently pending.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 2, 4 – 8, 15 – 16, 18 – 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological art. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological art fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a method claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In Bowman (Ex parte Bowman, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) (Unpublished), the board affirmed the rejection under U.S.C. 101 as being directed to non-statutory subject matter. Although Bowman discloses transforming physical media into a chart and physically plotting a point on said chart, the Board held that the claimed invention is nothing more than an abstract idea, which is not tied to any technological art or environment.

In the present case, although claims 1 – 2, 4 – 8, 15 – 16, 18 – 20 recite an abstract idea of a method for managing data from multiple data sources using conduits, however, the language of the claims raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101, which can be implemented by the mind of a person or by the use of a pencil and paper. In claim 1, as specified in the specification, the conduits are defined as a layer of abstraction (see page 3 of the disclosed). In addition, the conduit is defined in technology art as a means for transmission. A carrier wave also is a means for transmission. Therefore, the Examiner considers the conduit as a carrier wave. In claim 15, Applicant claims the instructions comprising multiple steps. It is impossible for one skill in the art using a computer to access these instructions by execute the steps in the claim. These steps should be modified as instruction code so that a computer can execute them.

In another words, since the claimed invention, as a whole, is not within the technological arts as explained above, these claims only constitute an idea and does not apply, involve, use, or advance the technological arts, thus, it is deems to be directed to non-statutory subject matter.

5. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the display" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 – 2, 4 – 16, 18 – 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim Nitahara (U.S. 6,604,108 B1) in view of Kojima et al (U.S. 6,681,227 B1) further in view of Lim et al (U.S. 6,189,011 B1).

◆ As per claims 1, 9 – 10, 15

Nitahara (U.S. 6,604,108) discloses a method for managing data from multiple data sources comprising:

- “Maintaining database tables in individual data contexts, wherein the database tables contain data from multiple data sources” See Fig. 1 – 3, col. 4, lines 30 – 49 of Nitahara.

In particular:

- “Maintaining database tables in individual data contexts” corresponds to database tables that stored in “information Mart storage” in fig. 1. The data are organized by identifiers with predefined subjects and attributes as seen in Fig. 2 – 3 of Nitahara.
- “The database tables contain data from multiple data sources” See col. 2, lines 33 – 45 of Nitahara.
- Applicant does not clearly define the meaning of the “conduit”. However, referring to the “Detailed description” section, lines 15 – 16, the “conduits” corresponds to the “layer of abstraction between a data model and the presentation of the data to a user”. As shown in Fig. 1, Nitahara discloses a multiple remote storage system that can contain multiple data model. The Information mart storage is a “layer of abstraction” between the data model (remote storage) and the presentation of the data to a user.

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- “Appending a source identifier as a key field to the data before combining the database tables into larger tables in a display context so that name spaces of the data are unique within each data context” See Fig. 2 – 3 of Nitahara. Each file has a unique identifier and is associated with corresponding subject (col. 4, lines 34 – 35, col. 12, lines 53 - 55 of Nitahara). The structure of the information mart is based on a predefined hierarchy of subjects that related to the enterprise for which information for analysis is to be provided (col. 5, lines 12 – 15 of Nitahara). Further, the structure of the information mart is based on a predefined set of relational attributes (col. 5, lines 43 – 62 of Nitahara). Referring to Fig. 5, the content file identifier includes the relational attribute identifier, source identifier. Accordingly, the files or the resources must be determined and are organized or appended into the subjects before other operation if they have the same type or attributes (col. 5, lines 63 – 67 of Nitahara). “Combining the database tables into larger tables in the display context without violating relational database rules” See Fig. 14, col. 11, lines 14 – 15 of Nitahara.
- “A user interface” See Fig. 9 – 11, 14 of Nitahara.
- “Enabling the user to modify the data through the conduits” col. 8, lines 20 – 61 of Nitahara.

Nitahara, unfortunately, does not clearly disclose that the data in one source has a same identifier as a duplicate data in another data source, and merging the database table into one larger table by blending the data from the multiple data sources.

However, on the other hand, Kojima discloses a database system for data retrieval. Kojima teaches pluralities of table are maintained in the databases (see Fig. 1). As seen in Fig. 1, tables

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A, B, and C have common key as a1, b1, and c1 (see col. 2, lines 4 – 26 of Kojima). Therefore, Kojima does teach “the data in one source has a same identifier as a duplicate data in another data source”. Further Kojima teaches that the three tables are merged into one larger table (see Fig. 1, col. 15, lines 58 – 61 of Kojima).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Kojima into the invention of Nitahara because the combination would increase the consistency among tables, and provide the user better view of data in different data sources.

The combination of Kojima and Nitahara fails to disclose “Enabling the user to update the data through the conduits... without having update each data source individually”. However, Lim et al, discloses a central database and a plurality of replicated database, where the update is performed in the central database and the modified information is distributed to other database. Therefore, the user does not have to update individual database (see the abstract of Lim).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Lim into the combination of Kojima and Nitahara because the teaching would reduce the time processing information.

◆ As per claims 2, 11, 16, the combination of Nitahara /Kojima/Lim disclose:

- “ Displaying the data from multiple data sources in the display context” See Fig. 14, col. 11, lines 14 – 15 of Nitahara.

◆ As per claims 4 – 8, 13 – 14, 18 – 20, the combination of Nitahara /Kojima/Lim disclose:

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- “Requesting notifications for data changes in the display context by the conduits”, “notifying the conduits of the changes”, and “updating the data” See col. 7, lines 20 – 30, claims 2 – 4 of Nitahara.
  - “Updating automatically” corresponds to “periodic updating”.
- ◆ As per claims 12, the combination of Nitahara /Kojima/Lim disclose:
- “The conduit has logical connections to the data sources that includes one or more actual connections” see Fig. 1 of Nitahara.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1 – 2, 4 – 16, 18 - 20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

  
FRANTZ COBY  
PRIMARY EXAMINER

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